

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2175 OF 2023

ORDER:

Heard learned counsel for the petitioner, as well as learned Additional Public Prosecutor, who is representing the respondent-State.

2. Seeking pre-arrest bail on behalf of the petitioner, who is arrayed as accused No.1 in Crime No.8 of 2023 of Subedari Police Station, Warangal District, the present Criminal Petition is filed under Section 438 Cr.P.C..

3. The matrix of the case, as could be perceived through the contents of the complaint, is that a proposal was brought to the elders of the *de facto* complainant for the marriage of the *de facto* complainant with the petitioner herein. The *de facto* complainant showed her disinterest to marry the petitioner. However, on one occasion, the petitioner took the *de facto* complainant to a hotel and participated in the sexual intercourse with her forcibly. Thereafter, though the *de facto* complainant called the petitioner several times, he did not respond.

4. Stating that no such incident occurred, learned counsel for the petitioner submits that even if the contention of the *de facto* complainant is taken to be true, such an incident occurred in the month of January, 2022 and no complaint was given till January, 2023 and further, no reasonable grounds are stated as to why such an inordinate delay occurred. Learned counsel also submits that the petitioner was always willing to marry the *de facto* complainant and even now the family of the petitioner intends to perform the marriage of the petitioner with the *de facto* complainant. However, she is not agreeable.

5. The submission of learned Additional Public Prosecutor is that the statement of victim under Section 164 Cr.P.C. was recorded and that ten witnesses were examined till now.

6. Thus, by the submission of learned Additional Public Prosecutor, it is clear that the material part of investigation is completed. Having perceived the inordinate delay in giving the complaint and as the material part of investigation is completed, this Court is of the view that the request of the petitioner can be honoured, however conditionally.

7. Resultantly, the Criminal Petition is allowed with the following conditions:-

- (i) The petitioner/accused No.1 is directed to surrender before the Court concerned within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioner/accused No.1 shall report before the Station House Officer, Subedari Police Station, Warangal District, on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/accused No.1 should not involve in any unlawful activity.
- (iv) The petitioner/accused No.1 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/accused No.1 should not cause the evidence of the offences disappear.
- (vi) The petitioner/accused No.1 should not tamper with the evidence in any manner.

- (vii) The petitioner/accused No.1 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case, the petitioner/accused No.1 holds a passport, he is directed to surrender the same.
- (ix) The petitioner/accused No.1 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/accused No.1 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/accused No.1 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioner shall intimate the Court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date: 09.3.2023

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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.2175 OF 2023

Date:09.03.2023

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